
HOUSE BILL No. 1258

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-22; IC 35-45-6-1; IC 35-46-3.

Synopsis: Animal regulation. Requires a retail pet store to provide each person who purchases a dog or cat with a written sales disclosure form describing the animal's history, and requires the retail pet store to transmit a copy of the sales disclosure form to the board of animal health. Provides that a pet store must post certain information concerning the animal's history on the animal's cage. Specifies that a retail pet store must provide certain standards of care for the dogs and cats it sells. Makes the failure to provide a sales disclosure form, the failure to post information on the animal's cage, or the failure to meet the standards of care a Class C infraction. Requires a retail pet store to remit \$25 for every cat or dog sold to the board of animal health for deposit in the commercial dog breeder and broker fund. Makes promoting an animal fighting contest a predicate offense under the racketeering statute. Makes attending an animal fighting contest a Class D felony. Repeals an inconsistent provision.

Effective: July 1, 2010.

Lawson L, Barnes

January 12, 2010, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1258

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-22 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2010]:

4 ARTICLE 22. PET STORE REGULATION

5 Chapter 1. Definitions

6 Sec. 1. The definitions in this chapter apply throughout this
7 article.

8 Sec. 2. "Board" refers to the Indiana state board of animal
9 health established by IC 15-17-3-1.

10 Sec. 3. "Litter" means one (1) or more dogs or cats that are all
11 or part of a group of dogs or cats born to the same mother at the
12 same time.

13 Sec. 4. "Retail pet store" means a retail establishment open to
14 the public that sells or offers to sell dogs or cats. The term does not
15 include a person that sells or offers to sell dogs or cats exclusively
16 that were bred or raised by the person or that are kept primarily
17 for the purpose of reproduction.



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Chapter 2. Sales Disclosures

Sec. 1. (a) A retail pet store shall, before accepting an offer to purchase a dog or cat, provide the person making the offer with the following information in writing:

(1) If known, the breed, age, and date of birth for the dog or cat.

(2) The sex and color of the dog or cat.

(3) A list, and accompanying proof, of all inoculations that have been given to the dog or cat by any person, the date of the inoculations, and the name and title of the individual who administered the inoculations.

(4) A list of all medical treatment provided to the dog or cat by any person, the date of treatment, the reason for the treatment, and the name and title of the individual who provided the treatment.

(5) The name and business address of the breeder and of the facility where the dog or cat was born.

(6) The name and business address of the animal broker or transporter, if applicable.

(7) If the breeder or broker holds a license issued by the United States Department of Agriculture, the breeder's or broker's federal license number.

(8) The retail price of the dog or cat.

(9) Any congenital disorder or hereditary diseases in the parents of the dog or cat, if known.

(10) If the dog or cat was previously sold by the retail pet store and returned by the purchaser, the reason for the return.

(11) A statement in substantially the following form, with the applicable provision number circled:

"The facility in which this dog or cat was born has produced:

(A) 0 to 2 litters during the one-year period preceding the day this dog or cat was born.

(B) 3 to 10 litters during the one-year period preceding the day this dog or cat was born.

(C) 11 to 39 litters during the one-year period preceding the day this dog or cat was born.

(D) 40 or more litters during the one-year period preceding the day this dog or cat was born."

(b) A retail pet store shall conspicuously post on the cage of a dog or cat being offered for sale, the following information:

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(1) If known, the breed, age, and date of birth for the dog or cat.

(2) The sex and color of the dog or cat.

(3) The name and business address of the breeder and of the facility where the dog or cat was born.

(4) The name and business address of the animal broker or transporter, if applicable.

(5) If the breeder or broker holds a license issued by the United States Department of Agriculture, the breeder's or broker's federal license number.

(6) The retail price of the dog or cat.

(7) A statement in substantially the following form, with the applicable provision number circled:

"The facility in which this dog or cat was born has produced:

(A) 0 to 2 litters during the one-year period preceding the day this dog or cat was born.

(B) 3 to 10 litters during the one-year period preceding the day this dog or cat was born.

(C) 11 to 39 litters during the one-year period preceding the day this dog or cat was born.

(D) 40 or more litters during the one-year period preceding the day this dog or cat was born."

Sec. 2. Upon completion of the sale of a cat or dog, the retail pet store shall transmit the information described in section 1(a) of this chapter to the board.

Sec. 3. A person who violates section 1 or 2 of this chapter commits a Class C infraction.

Chapter 3. Standards of Care

Sec. 1. A retail pet store shall provide each dog or cat with the following:

(1) An enclosure that:

(A) has a roof and a solid floor;

(B) provides adequate ventilation;

(C) is cleaned of waste at least once per day while the animal is outside the enclosure; and

(D) is maintained at a temperature recommended by the attending veterinarian, but which does not fall below forty-five (45) degrees or exceed eighty-five (85) degrees.

(2) Necessary veterinary care, including:

(A) examination by a licensed veterinarian before sale;

(B) prompt treatment of any illness or injury by a licensed

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veterinarian; and

(C) if necessary, humane euthanasia by a licensed veterinarian using lawful techniques considered "Acceptable" by the American Veterinary Medical Association.

(3) Access, for at least thirty (30) minutes twice per day, to an exercise area at least twice the size of the primary enclosure and to social interaction with persons and compatible animals.

(4) Continuous access to potable water and access at least once a day to appropriate nutritious food sufficient to maintain good health.

(5) Sufficient space for each animal to:

(A) turn and stretch freely without touching the side of an enclosure or another animal; and

(B) stand on its hind legs or on all four (4) legs and turn in a complete circle without any impediment, including a tether.

Sec. 2. A person who violates this chapter commits a Class C infraction.

Chapter 4. Fees

Sec. 1. A retail pet store shall remit to the board twenty-five dollars (\$25) for every dog or cat sold by the retail pet store, in accordance with rules adopted by the board.

Sec. 2. The board shall deposit the funds remitted under this chapter in the commercial dog breeder and broker fund established by IC 15-21-3-3.

Sec. 3. The board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 35-45-6-1, AS AMENDED BY P.L.143-2009, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two

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(2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- (9) Child exploitation (IC 35-42-4-4).
- (10) Robbery (IC 35-42-5-1).
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Burglary (IC 35-43-2-1).
- (14) Theft (IC 35-43-4-2).
- (15) Receiving stolen property (IC 35-43-4-2).
- (16) Forgery (IC 35-43-5-2).
- (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- (18) Bribery (IC 35-44-1-1).
- (19) Official misconduct (IC 35-44-1-2).
- (20) Conflict of interest (IC 35-44-1-3).
- (21) Perjury (IC 35-44-2-1).
- (22) Obstruction of justice (IC 35-44-3-4).
- (23) Intimidation (IC 35-45-2-1).
- (24) Promoting prostitution (IC 35-45-4-4).
- (25) Professional gambling (IC 35-45-5-3).
- (26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
- (27) Promoting professional gambling (IC 35-45-5-4).
- (28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (29) Dealing in or manufacturing methamphetamine

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- 1 (IC 35-48-4-1.1).
- 2 (30) Dealing in a schedule I, II, or III controlled substance
- 3 (IC 35-48-4-2).
- 4 (31) Dealing in a schedule IV controlled substance
- 5 (IC 35-48-4-3).
- 6 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 7 (33) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- 8 (34) Money laundering (IC 35-45-15-5).
- 9 (35) A violation of IC 35-47.5-5.
- 10 (36) A violation of any of the following:
- 11 (A) IC 23-14-48-9.
- 12 (B) IC 30-2-9-7(b).
- 13 (C) IC 30-2-10-9(b).
- 14 (D) IC 30-2-13-38(f).
- 15 **(37) Promoting an animal fighting contest (IC 35-46-3-9.5).**
- 16 SECTION 3. IC 35-46-3-9 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. A person who
- 18 knowingly or intentionally:
- 19 (1) promotes or stages an animal fighting contest;
- 20 (2) uses an animal in a fighting contest; or
- 21 (3) attends an animal fighting contest; ~~having an animal in the~~
- 22 ~~person's possession;~~
- 23 commits a Class D felony.
- 24 SECTION 4. IC 35-46-3-10 IS REPEALED [EFFECTIVE JULY 1,
- 25 2010].

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